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**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

UTAH INSURANCE DEPARTMENT, Complainant, v. COTTONWOOD TITLE INSURANCE AGENCY, License No. 92856 1996 East 6400 South, Suite 120 Salt Lake City, UT 84121-2162 Respondent.	STIPULATION AND ORDER Docket No. 2015-090-PC Enf. Case No. 3648 Judge Mark E. Kleinfeld Administrative Law Judge
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STIPULATION

The Utah Insurance Department ("Department"), by and through its legal counsel, and Cottonwood Title Insurance Agency ("Respondent"), hereby stipulate and agree as follows:

1. Respondent is an active resident title insurance agency authorized to do business in the State of Utah under License No. 92856. Respondent's business address is 1996 East 6400 South, Suite 120, Salt Lake City, UT 84121-2162.
2. The Department has jurisdiction over the parties and subject matter of this administrative action.

3. Respondent acknowledges notice of agency action pursuant to Utah Code Section 63G-4-210; acknowledges that this Stipulation and Order is an informal proceeding pursuant to Utah Code Section 63G-4-202; and irrevocably waives the right to any hearing, review or appeal concerning this matter.

4. Respondent has the right to be represented by legal counsel and waives this right by either having sought the advice of legal counsel or by having voluntarily chosen not to do so.

5. This signed Stipulation and the signed Order, along with any Findings of Fact and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. The Findings of Fact and Conclusions of Law presented below are accepted by the parties.

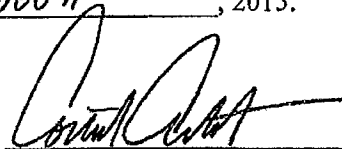
7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.

8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

9. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

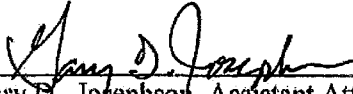
10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

Dated this 18th day of August, 2015.



Cort Ashton, Vice President
COTTONWOOD TITLE INSURANCE AGENCY

Dated this 19th day of August, 2015



Gary D. Josephson, Assistant Attorney General
UTAH INSURANCE DEPARTMENT

Based upon the foregoing Stipulation and Department file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. On March 6, 2015, the Department compiled a list of title producers who had reinstated their licenses during January 2015. The Department review disclosed that Respondent's license had lapsed on January 31, 2015, and was reinstated on February 5, 2015. Respondent's associations were also terminated on January 31, 2015.
2. On May 6, 2015, the Department sent a letter to Respondent requesting a list of all title business conducted between February 1, 2015 and February 5, 2015.
3. On May 14, 2015, Respondent replied stating that 41 closings were conducted and 91 commitments signed during the period Respondent's license was lapsed.
4. Respondent was cooperative during the investigation and has taken responsibility for the violations.
5. On July 20, 2015, Respondent agreed to an administrative forfeiture in the amount of \$1,500.00.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law;

CONCLUSIONS OF LAW

1. Utah Code Section 31A-23a-103(1) requires an agency to be licensed in order to conduct title business in the state, and any producer it utilizes must also be licensed. In violation of this statute, Respondent allowed its license to lapse and conducted 41 closings and issued 91 commitments during the lapsed period.
2. Utah Code Section 31A-23a-302 requires an agency to designate an individual to it for that individual to conduct business of the agency's behalf. In violation of this statute, Respondent had no individuals designated to it during the unlicensed period.
3. An Administrative forfeiture of \$1,500.00 is appropriate under the circumstances.


Based on the foregoing Findings and Fact and Conclusions of Law, the presiding officer states the following Order:

ORDER

Respondent shall pay an administrative forfeiture in the amount of \$1,500.00 to the Department within thirty days of the signing of this Order.

DATED this 19 day of August, 2015.

TODD E. KISER
Insurance Commissioner


MARK E. KLEINFELD
Administrative Law Judge
Utah Insurance Department

COMMISSIONS CONCURRENCE WITH ORDER

By a vote of _____ to _____, taken in open meeting on this date, the Title and Escrow Commission hereby concurs with the recommended Order of the presiding officer in this administrative action.

DATED this _____ day of _____, 2015.

JEFFERY D. WIENER, Chairman
Title and Escrow Commission

NOTIFICATION TO RESPONDENT

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

CERTIFICATE OF MAILING

The undersigned hereby certifies that on this date, a true and correct copy of the foregoing **STIPULATION AND ORDER** was mailed, postage prepaid, to the following:

DATED this _____ day of _____, 2015.

**COTTONWOOD TITLE INSURANCE AGENCY
CORT ASHTON, VICE PRESIDENT
1996 EAST 6400 SOUTH, SUITE 120
SALT LAKE CITY, UT 85121-2162**

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